

UNCLASSIFIED

77

INT 581/1

cc Mr. Tamm Mr. Mumfo
Mr. Ladd
January 18, 1946

The Director

D. M. Ladd

WORLDWIDE INTELLIGENCE

Pursuant to your instructions, I contacted Harold Judson, of the Solicitor General's office, on his return from this morning's conference concerning the President's directive on worldwide intelligence and at his invitation went to his office, accompanied by Mr. Mumford.

Mr. Judson advised that his conference this morning had lasted some three hours and was on a very amicable basis. There were numerous changes in phraseology in the draft of the directive which we had gone over last night but except for those mentioned below, none appeared to be particularly material:

- 3.c. It had been agreed that this paragraph would read, "Perform, for the benefit of said intelligence agencies, such services of common concern as the national intelligence authority determines can be more efficiently accomplished centrally," thus eliminating our proposed phraseology which concluded with the words, "including the direct procurement of intelligence outside the continental limits of the United States." It was explained by Mr. Judson and his assistant, Mr. George Washington, that dropping this phraseology lost nothing since the word "including" neither precludes nor restricts in any manner. This should be considered, however, in connection with the next mentioned change.
9. In this paragraph they deleted the first sentence which stated, "The directive shall apply to all foreign intelligence activities carried on by the Federal Government outside the continental limits of the United States and its possessions," which left this paragraph consisting of only the following phraseology, "Nothing herein shall be construed to affect the responsibilities of agencies not within your departments in relation to their intelligence activities inside the continental limits of the United States and its possessions, with respect to the national internal security."

I immediately protested that the two changes cited above would leave no protection against this new national intelligence authority expanding into full investigations in the domestic field. Mr. Judson and Mr. Washington expressed the opinion that the President did not desire to replace or duplicate the FBI and that those drawing up this directive had no intention of doing so. I pointed out that nevertheless, these men may be gone and others who take their place are the ones who will be interpreting the phraseology here. Finally Mr. Judson agreed to word paragraph nine as follows:

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Coffey
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Hendon
Mr. Pennington
Mr. Quinn Tamm
Mr. Nease
Mr. Ladd

"Nothing herein shall be construed to authorize the making of investigations, otherwise than as provided by existing laws and Presidential directives, inside the continental limits of the United States and its possessions."

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 19 1946	
FBI - WASHINGTON	

UNCLASSIFIED

UNCLASSIFIED

INT 581/2

MEMORANDUM FOR THE DIRECTOR

This phraseology would, of course, be about the most complete protection the Bureau could hope to have and would appear to cure the changes cited above, both in paragraph 3.e. and paragraph 9. Mr. Judson consulted the Attorney General by telephone at that point and the Attorney General suggested milder language in that the President had just this morning advised members of the Cabinet that because of the strikes, he was so burdened with work he desired them to avoid conflicts which would necessitate his becoming involved for decisions. The Attorney General, therefore, thought that this was not a good time to interject such blunt language as here suggested and he suggested the phraseology, "Nothing herein shall be construed as affecting the present jurisdiction of any United States agencies inside the continental limits of the United States or its possessions." I nevertheless pointed out that this was a negative statement which merely meant that although the Bureau would not be precluded from conducting the case investigative work in which it is now engaged, it would not prevent this new outfit from duplicating and coming into the same field.

Mr. Judson concurred and accordingly, without mentioning the FBI, advised the men with whom he had conferred this morning that from a legal standpoint, it was felt a necessity that the phraseology above, i.e. the flat denial of the right of investigation inside the continental limits of the United States, be included as paragraph nine.

This proposed change will, of course, now be discussed by the men who will present the directive to the President and Mr. Judson will be advised of their decision. He has promised to call me or Mr. Muzford immediately upon receipt of advice in the matter and I will advise you.

JRM:GAB

- 2 -

UNCLASSIFIED

278